



# Governor's Commission on Government Reform, Efficiency, and Performance

Wisconsin State Capitol  
July 8, 2016

# Wisconsin Counties (1883)



# County Function (1883)

- Local Presence of the State
  - Law Enforcement
  - Land Records
  - Taxation
  - Transportation



## A map of Wisconsin showing its 9 counties. Each county is labeled with its name and colored in a repeating pattern of orange, green, and yellow. The counties and their colors are: Douglas (orange), Bayfield (green), Iron (orange), Ashland (yellow), Vilas (blue), Burnett (green), Washburn (yellow), Sawyer (blue), Price (green), Oneida (yellow), Florence (orange), Polk (yellow), Barron (orange), Rusk (yellow), Forest (green), Marinette (blue), St. Croix (yellow), Dunn (green), Chippeewa (blue), Taylor (orange), Lincoln (blue), Langlade (orange), Pierce (orange), Pepin (yellow), Eau Claire (blue), Clark (green), Marathon (yellow), Menominee (green), Oconto (yellow), Door (yellow), Trempealeau (green), Jackson (yellow), Wood (blue), Portage (orange), Waupaca (green), Shawano (blue), Brown (orange), Kenauwee (green), La Crosse (orange), Monroe (blue), Adams (green), Waushara (yellow), Winnebago (blue), Calumet (blue), Manitowoc (blue), Vernon (yellow), Juneau (orange), Marquette (green), Green Lake (green), Fond du Lac (yellow), Sheboygan (yellow), Crawford (blue), Richland (green), Sauk (blue), Columbia (yellow), Dodge (blue), Wash. Ingt. (green), Ozaukee (orange), Grant (orange), Iowa (yellow), Dane (orange), Jefferson (green), Waukesha (orange), Milwaukee (orange), Lafayette (blue), Green (green), Rock (yellow), Walworth (blue), Racine (blue), and Kenosha (yellow).

# County Function (2016)

- Local Presence of the State
  - Law Enforcement
  - Land Records
  - Taxation
  - Transportation
- Local Government Service Provider
  - Human Services (mental health, protective placement, et al.)
  - Court System
  - Public Health
  - Recreation
  - Land Use
  - (and many more)...



# Assumptions Utilized for Analysis

1. Counties will not see a measurable increase in state aid for the foreseeable future.
2. Counties will not see a measurable relaxation of levy limits for the foreseeable future.
3. The State and county residents will continue to demand services from counties for the foreseeable future.



# What Does This Mean?

- “Counties have to learn to do more with less.”



- Doing more with less and expecting positive results is impossible...



# Doing Things Differently

- Counties have become proficient at prioritizing “wants,” “needs” and “mandates.”
- Counties need a vehicle to create efficiencies in the delivery of services such that elimination or reduction of services is not the only budgetary option.





# The Joint Agency Statute Proposal

- Allows counties to voluntarily “divest” responsibility for a department or function to a multi-county agency.
- Creates a new agency that is responsible for the joint department or function.
- Allows for regional service delivery, but maintains local accountability.



# Creating the Agency

(1) Notwithstanding and in addition to the powers granted by any other statute enabling the joint exercise of powers, any two or more counties may enter into an agreement to **form a joint agency to assume and perform the duties of any department or office within the counties forming the joint agency.** A county entering into an agreement to form a joint agency shall specify by resolution the particular duties being delegated and transferred to the joint agency. **Any agreement creating a joint agency made pursuant to this section relieves the county of any obligation or responsibility imposed upon it by law for the duties transferred to the joint agency as specified in the resolution and agreement.** A joint agency created under this section is a unit of government, and a body corporate and politic, that is **separate and distinct from, and independent of, the state and the counties which are parties to the agreement.** A county entering into an agreement to form a joint agency is not liable for the acts or omissions of the joint agency or another county participating in the joint agency, except as otherwise expressly stated in the agreement.



# Joint Agency Governance

(2) A joint agency created under this section shall be governed by a board, the members of which shall be appointed under the terms of the agreement. A joint agency board shall be only a policy-making body determining the broad outlines and principles governing administration of the joint agency. All members of the board shall be appointed by the counties entering into the agreement forming the joint agency in accordance with the terms of the agreement.



# State Approval

(3) In the event that an agreement made pursuant to this section relates in whole or in part to the provision of services or facilities with regard to which an officer or agency of the state has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its becoming effective, be submitted for approval to the state officer or agency having such power of control. ...



# Essential Terms of Agreement

(4) Any agreement creating a joint agency may provide a plan for administration of the duties, including without limitation the proration of the expenses involved, deposit and disbursement of funds appropriated, submission and approval of budgets, selection and removal of board members and formation and letting of contracts. In addition, the agreement shall specify the following:

- (a) Its duration, which may be perpetual;
- (b) The organization, composition and governance of the joint agency created thereby together with the powers and responsibilities delegated thereto;
- (c) The purpose or purposes of the joint agency created thereby;
- (d) The manner of financing the joint agency and of establishing and maintaining a budget therefor; and
- (e) Any other necessary and proper matters.



# Optional Powers

(5) A joint agency created under this section has all of the powers necessary or convenient to carry out the purposes and provisions of this section including, without limitation, all powers of a member-county in relation to the duties transferred to the joint agency and all powers of a commission formed under s. 66.0301(2). In addition to all other powers granted by this section, a joint agency may do any of the following:

- (a) Adopt bylaws and policies for the regulation of its affairs and the conduct of its business.
- (b) Sue and be sued in its own name, plead and be impleaded.
- (c) Acquire, buy, sell, lease as lessor or lessee, encumber, mortgage, hypothecate, pledge, assign, or transfer any property or interest in property.
- (d) **Employ or appoint an executive director.**
- (e) Employ or appoint agents, employees, counsel, and special advisers as the joint agency finds necessary and fix their compensation.
- (f) Accept gifts, loans, or other aid.
- (g) Assess the counties that that formed the joint agency the costs associated with the operation of the joint agency.
- (h) Hold and invest money.
- (i) Enter into contracts for the purchase, sale or provision of goods or services to or from any person, including any county regardless of whether it is a member of the joint agency, or any other joint agency.



# Why is this Needed?

- Current law does not provide a “divestment” or “regionalization” mechanism.
  - 2015 Wis. Act 175 – Clarified ability of Washington County and Ozaukee County to create a joint public health department.
  - Current statutes mandate individual county departments.
  - Current organizational best practices, supported by technology, support regionalization, but current law does not allow it.



# Examples of Statutory Impediments to Collaboration

- County Highway Departments (s. 83.015)

(1) ELECTION; COMPENSATION; TERM.

(a) ... each county board at the annual meeting shall by ballot elect a committee of not less than 3 nor more than 5 persons, to serve for one year, beginning either as soon as elected or on January 1 following their election, as designated by the county board, and until their successors are elected. ...

(2) POWERS AND DUTIES.

(a) Except as provided under par. (b), the county highway committee shall purchase and sell county road machinery as authorized by the county board, determine whether each piece of county aid construction shall be let by contract or shall be done by day labor, enter into contracts in the name of the county, and make necessary arrangements for the proper prosecution of the construction and maintenance of highways provided for by the county board, enter private lands with their employees to remove weeds and brush and erect or remove fences that are necessary to keep highways open for travel during the winter, direct the expenditure of highway maintenance funds received from the state or provided by county tax, meet from time to time at the county seat to audit all payrolls and material claims and vouchers resulting from the construction of highways and perform other duties imposed by law or by the county board.

(b) In any county with a highway commissioner appointed under s. 83.01(1)(b) or (c), the county highway committee shall be only a policy-making body determining the broad outlines and principles governing administration and the county highway commissioner shall have the administrative powers and duties prescribed for the county highway committee ...





# Impediments (cont.)

- There are other statutes requiring the creation of committees or departments or otherwise dictating the terms of a multi-county relationship. The specific terms of these statutes impede a county's ability to "divest" and "transfer" responsibility to a more efficient and effective multi-county agency.



# What About s. 66.0301?

- This statute does not abrogate a county's specific and individual responsibility to maintain a specific department, committee, commission, board or function.
- This statute does not allow for the creation of an agency separate and distinct from the counties that created it.
- Under a current collaboration model, "who is the boss?"
  - Clark County/Jackson County Highway Commissioner question



# Examples of How the Joint Agency Model Could be Utilized

- Joint county highway departments
- Joint Human Services departments
- Regional record-keeping and data warehouse models
- Multi-county administrative models



# Attributes of the Joint Agency Model

- No power to tax
- Flexibility on joining, modifying and exiting a joint agency
- Maintain local accountability through local elected official participation
- Creates mechanism for state “recognition” of joint agency





Questions?